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19 **Attorneys for Defendant**
20 **COMMAND AUDIO CORPORATION**

21 **IN THE UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN FRANCISCO DIVISION**

24 Motorola, Inc.,) Case No. 3:08-CV-03492 MMC
25)
Plaintiff,) **STIPULATION AND ~~PROPOSED~~**
26 vs.) **ORDER OF DISMISSAL WITHOUT**
27 Command Audio Corporation,) **PREJUDICE**
28 Defendant.) Judge: Hon. Maxine M. Chesney

1 WHEREAS Plaintiff, Motorola, Inc. (“Motorola”) and Defendant, Command Audio
2 Corporation (“Command Audio”) have reached a settlement in this matter that includes a dismissal
3 without prejudice, each party to bear its own costs and fees,

4 IT IS STIPULATED, by and between the parties, through their counsel of record, pursuant to
5 Fed. R. Civ. P. 41, and subject to the approval of the Court, that all claims in this matter are
6 dismissed without prejudice, each party to bear its own costs and fees.

7
8 Dated: March 31, 2009

Respectfully submitted,

9 **DLA PIPER LLP (US)**

10 By: /s/ Brian Erickson
11 Wayne M. Harding
12 Brian Erickson
13 Attorneys for Plaintiff
14 **MOTOROLA, INC.**

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16 By: /s/ Sarah J. Guske
17 Gordon C. Atkinson
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19 Attorneys For Defendant
20 **COMMAND AUDIO CORPORATION**

21 **ORDER**

22 Good cause appearing, therefore, the Court hereby orders that this action be dismissed
23 without prejudice, both parties to bear their own costs and fees and the file closed.

24 IT IS SO ORDERED.

25 Dated: April 2, 2009

26 
27 The Honorable Maxine M. Chesney
28 United States District Judge
Northern District of California